

OIPF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DEC 22 2003

TRADEMARK

In re Application of: LAUKS, Imants; PIERCE, Raymond J.; WOJTYK, James; BERGEVIN, Benoit R.
Serial No.: 10/649,683
Filed: August 28, 2003
Title: LATERAL FLOW DIAGNOSTIC DEVICES WITH INSTRUMENT CONTROLLED FLUIDICS
Group: 1744
Examiner:
Attorney Ref.: PAT 927-2 US

December 18, 2003

Mail Stop DD

Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450
U.S.A.

Dear Sirs:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 , the applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449, attached hereto.

II. COPIES

(check at least one box)

- ☐ a. Submitted herewith is a legible copy of (i) each U.S. and foreign patent and application; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.
- ☒ b. As this application was filed after June 30, 2003, no U.S. patent or published application copies are enclosed. Where applicable, submitted herewith is a legible copy of (i) each foreign patent or application; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

- ☐ c. Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

- ☒ a. DOCUMENTS IN THE ENGLISH LANGUAGE
The attached patents, publications, or other information in the English language do not require a statement of relevancy.
- ☐ b. DOCUMENTS NOT IN THE ENGLISH LANGUAGE
A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:
- ☐ c. ENGLISH LANGUAGE SEARCH REPORT
An English language version of the search report or action that indicates the degree of relevance found by the foreign Patent Office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(A) (3).
- ☐ d. OTHER
The following additional information is provided for the Examiner's consideration.

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97 (b):
(check one box)

- ☐ a. Within three months of the filing date of a national application (37 C.F.R. § 1.97 (b) (1)). No fee or statement is required. (This section is not to be used with RCE's AND CPA's.)
- ☐ b. Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97 (b) (2)). No fee or statement is required.
- ☐ c. Concurrently with the filing of a Continued Prosecution Application under 37 C.F.R. § 1.53 (d) or concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97 (b) (4)). No fee or statement is required.

- ☒ d. Before the mailing date of a first Action on the merits (37 C.F.R. § 1.97 (b) (3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97 (e) below, or, if no statement has been made, charge our deposit account in the amount of **\$180.00** as required by 37 C.F.R. § 1.17 (p).

**V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97 (c):
(check one box)**

- ☐ a. No statement; therefore, a fee in the amount of **\$180.00** as required by 37 C.F.R. § 1.17 (p).
- ☐ b. See the statement below. No fee is required.

**VI. STATEMENT UNDER 37 C.F.R. § 1.97 (e)
(check only one box)**

The undersigned hereby states that

- ☐ a. Each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- ☐ b. No item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56 (c) more than three months prior to the filing of the IDS.
- ☐ c. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any

individual designated in the 37 C.F.R. § 1.56 (c) more than three months prior to the filing of this statement.

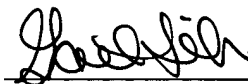
VII. PAYMENT OF FEES
(check one box)

- ☐ A cheque in the amount of **\$180.00** as required by 37 C.F.R § 1.17 (p) is enclosed for the above-identified fee.
- ☐ Please charge Deposit Account No. 501593 in the amount required by 37 C.F.R. § 1.17 (p) for the above-indicated fee. A duplicate copy of this paper is attached.
- ☒ No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 501593.

If the preceding amount is incorrect, any deficiency or overpayment should also be charged or credited to Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP.

Respectfully submitted,
Imants LAUKS et al.



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GCS/SUM/sum
Encls.
1. PTO-1449
2. References

Form PTO-1449

INFORMATION DISCLOSURE STATEMENT

Complete if Known

Application No.: 10/649,683

Filing Date: August 28, 2003

First Named Inventor: Imants LAUKS et al.

Group Art Unit: 1744

Examiner Name:

Attorney Docket No.: PAT 927-2

Sheet 1 of 2

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document No.	Date of Publication mm-dd-yyyy	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		6,497,842	12-24-2002	Takahashi et al.	
		6,478,938	11-12-2002	Paek et al.	
		6,316,205	11-12-2001	Guan et al.	
		6,306,642	10-23-2001	Nelson et al.	
		6,194,222	02-27-2001	Buechler et al.	
		5,783,401	07-21-1998	Toledano	
		5,753,517	05-19-1998	Brooks et al.	
		5,997,817	12-07-1999	Crismore et al.	

FOREIGN PATENT DOCUMENTS

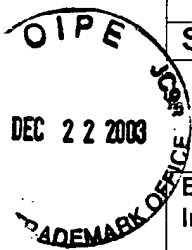
Examiner Initials	Cite No.	Patent Document No.	Date of Publication mm-dd-yyyy	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T √	Check if English Translation is attached
		WO 99/58966	11-18-1999	ISIS Innovation Limited			

OTHER DOCUMENTS

Examiner Signature:

Date Considered:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if in conformance and not considered. Include copy of this form with next communication to applicant.



Form PTO-1449 INFORMATION DISCLOSURE STATEMENT				Complete if Known	
				Application No.:	10/649,683
				Filing Date:	August 28, 2003
				First Named Inventor:	Imants LAUKS et al.
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Sheet 2 of 2				Examiner Name:	
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Examiner Initials	Cite No.	Document No.	Date of Publication mm-dd-yyyy	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		6,156,271	12-05-2000	May	
		5,798,273	08-25-1998	Shuler et al.	
		5,075,078	12-24-1991	Osikowicz et al.	
		5,120,643	06-09-1992	Ching et al.	
		4,855,240	08-08-1989	Rosenstein et al.	
		5,656,503	08-12-1997	May et al.	
		5,622,871	04-22-1997	May et al.	
		5,591,645	01-07-1997	Rosenstein	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Patent Document No.	Date of Publication mm-dd-yyyy	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ✓ Check if English Translation is attached

OTHER DOCUMENTS

Examiner Signature:	Date Considered:
<i>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if in conformance and not considered. Include copy of this form with next communication to applicant.</i>	